



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,612	08/30/2000	John Underwood	730301-2014	4359

20999 7590 01/20/2004

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

me

# Office Action Summary

Application No.

09/652,612

Applicant(s)

UNDERWOOD ET AL.

Examiner

Matthew J. Ludwig

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-16 and 18-42 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications. Application filed 8/30/00.
2. Claims 1-42 are pending in the case. Claims 1, 18, 19, and 36-42 are independent claims.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 and 18-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernardo et al., USPN 6,304,886 filed (6/19/98).

**In reference to independent claim 1, Bernardo teaches:**

- Options or features, which enable the site creator to select from a plurality of options/features available for the web site layout (compare to “***presenting a prompt for data entry and receiving a data entry in response to the prompt***”). See column 2, lines 22-26.
- Based on the option/features selected, the tool determines which of the stored templates are to be used and the user is prompted to supply data to populate those fields (compare to “***presenting one additional prompt for data entry that is determined at least upon the received data entry***”). See column 2, lines 33-39.
- The tool uses the templates and user supplied data to create the web pages that make up a web site (compare to “***determining one characteristic for each of one or more web site dimensions in response to the data entry and the additional data entry in response to each of the at least one additional prompt***”). See column 2, lines 35-40.

- The tool has an application assembler module that combines the templates for the selected features/options with data input by the site creator to generate web pages to thereby construct a complete web site (compare to “*generating a description of the web site based upon the one or more determined characteristics for each of the one or more web site dimensions*”).

See column 6, lines 1-5.

The Bernardo reference does not explicitly disclose a description file of the final web site, as claimed. However, since Bernardo uses a created web page for further customization of a web site utilizing user data, the web page provides the claimed equivalent of a description file describing how to utilize said data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the web techniques of Bernard for providing the user the added benefit of a customized web page based upon prompts and data entry techniques

**In reference to dependent claim 2, Bernardo teaches:**

One area may be “company information.” A template corresponding to this feature may include certain text and HTML formatting components for a Web page for this area, with fields for company name, address, contact person, etc. See column 5, lines 59-63.

**In reference to dependent claim 3, Bernardo teaches:**

Provides a screen from which the user is prompted to decide on the options for the design of the web page, for example, by selecting colors, background images, frame styles, and logos (compare to “web site data is positioned on the website based upon one data entry and the additional data entry”). See column 8, lines 7-13.

**In reference to dependent claim 4, Bernardo teaches:**

Provides a screen from which the user is prompted to decide on the options for the design of the web page, for example, by selecting colors, background images, frame styles, and logos (compare to “*web site data is positioned on the website based upon one data entry and the additional data entry*”). See column 8, lines 7-13.

**In reference to dependent claim 5, Bernardo teaches:**

The features/options may pertain to those found on web sites or other features/options. For example, the features/options may include a list of site areas, Web pages to include in a Web site, web page formatting options, etc. See column 6, lines 35-44.

**In reference to dependent claims 6-9, Bernardo teaches:**

Component applications utilized for providing the customization of a web site and the pages within said web site. The reference discloses a calendar application for further automation of various tasks. See column 8, lines 40-55.

**In reference to dependent claim 10 & 11, Bernardo teaches:**

The features/options may pertain to those found on web sites or other features/options. For example, the features/options may include a list of site areas, Web pages to include in a Web site, web page formatting options, etc. See column 6, lines 35-44.

**In reference to dependent claims 12-16, Bernardo teaches:**

Component applications utilized for providing the customization of a web site and the pages within said web site. The reference discloses a calendar application for further automation of various tasks. See column 8, lines 40-55.

**In reference to independent claim 18, Bernardo teaches:**

- Options or features which enable the site creator to select from a plurality of options/features available for the web site layout (compare to “***presenting a prompt for data entry and receiving a data entry in response to the prompt***”). See column 2, lines 22-26.

- Based on the option/features selected, the tool determines which of the stored templates are to be used and the user is prompted to supply data to populate those fields (compare to “***presenting one additional prompt for data entry that is determined at least upon the received data entry***”). See column 2, lines 33-39.

- The tool uses the templates and user supplied data to create the web pages that make up a web site (compare to “***determining one characteristic for each of one or more web site dimensions in response to the data entry and the additional data entry in response to each of the at least one additional prompt***”). See column 2, lines 35-40.

- The tool has an application assembler module that combines the templates for the selected features/options with data input by the site creator to generate web pages to thereby construct a complete web site (compare to “***generating a description of the web site based upon the one or more determined characteristics for each of the one or more web site dimensions***”). See column 6, lines 1-5.

The Bernardo reference does not explicitly disclose a description file of the final web page, as claimed. However, since Bernardo uses a created web page for further customization utilizing user data, the web page provides the claimed equivalent of a description file describing how to utilize said data. Therefore, it would have been obvious to one of ordinary skill in the art

Art Unit: 2178

at the time the invention was made to have employed the web techniques of Bernard for providing the user the added benefit of a customized web page based upon prompts and data entry.

Claims 19-37 reflect the system comprising steps used for performing the methods as claimed in claims 1-16, and 18, and in further view of the following, is rejected along the same rationale.

Claims 38 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 1, respectively, and in further view of the following, is rejected along the same rationale.

**In reference to independent claims 39 & 40**, the claims recite similar limitations to those of independent claim 1, and therefore are rejected under similar rationale.

**In reference to independent claims 41 & 42**, the claims recite similar limitations to those of independent claim 39 & 40, and therefore are rejected under similar rationale.

***Allowable Subject Matter***

5. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

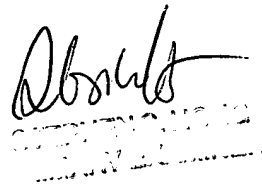
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 703-305-8043. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ML  
January 8, 2004



Matthew J. Ludwig